OPAP IAP25 JUL 21 2010 PATENT & TRADEMARK OFFICE

7/20/10

In the United States Patent and Trademark Office

Appn. Filed: 12/05/2001
Appn. #: 10/679,305
Applicant: Elizabeth Gay Frayne
Title: "Manipulation of RNA Stability and Protein Synthesis Using Thio-phosphate"
Examiner: Nancy T. Vogel
Art Unit:1636

Assistant Commissioner for Patents
Arlington, Virginia, 22313

RE: Office action 6/22/2010

In response to examiner's office action I am enclosing the required declaration as the patent is now a continuation in part and not a divisional application of the parent application 10/007,489. Below I have responded to the examiner's objections with new arguments showing how the data presented does support the claims. I have also modified the claims to make them more clear as directed in the claims amendment below.

Claim 8

Claim 8 has been modified to make it more clear. The term cell culture reflects cells that grow in culture and can be of eukaryotic or prokaryotic origin. The use of thio-phosphate as a source of phosphate is fairly easy to achieve in such systems by replacing source of phosphate with thio-phosphate.

Claim 9

The examiner is right that claim 9 does speak to a broad category of organisms including complex organisms. The ability to modify the nucleic acid of a living organism is in itself quite novel. The invention provides a useful approach to non-radioactively label the cells of a given organism. The claim is only intended to address the ability to substitute